CONFERENCE ON DISARMAMENT

CD/1482
15 January 1998

ENGLISH
Original: ENGLISH

NOTE VERBALE DATED 14 JANUARY 1998 ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE FROM THE PERMANENT MISSION OF THE REPUBLIC OF KAZAKHSTAN TRANSMITTING THE TEXT OF THE RESOLUTION OF THE EIGHTH SESSION OF THE ISLAMIC SUMMIT CONFERENCE, HELD IN TEHRAN, ISLAMIC REPUBLIC OF IRAN, FROM 9 TO 11 DECEMBER 1997, SUPPORTING THE INITIATIVE OF THE REPUBLIC OF KAZAKHSTAN FOR CONVENING A CONFERENCE FOR INTERACTION AND CONFIDENCE-BUILDING MEASURES IN ASIA

The Permanent Mission of the Republic of Kazakhstan to the United Nations Office in Geneva presents its compliments to the Secretary-General of the Conference on Disarmament and has the honour to inform the latter of the decision of the Eighth Session of the Islamic Summit Conference, held in Tehran, Islamic Republic of Iran, from 9 to 11 December 1997 to accept the resolution on support of the initiative of the Republic of Kazakhstan for convening a Conference for interaction and confidence-building measures in Asia (see annex).

The Office of the Permanent Mission of Kazakhstan would be grateful if this resolution of the Islamic Summit Conference could be registered as an official document of the Conference on Disarmament and distributed for information to all member and non-member States participating in the work of the Conference.

RESOLUTION NO. .../8-P (IS)
ON
SUPPORT OF THE INITIATIVE OF THE REPUBLIC OF KAZAKHSTAN
FOR CONVENING A CONFERENCE FOR INTERACTION AND
CONFIDENCE-BUILDING MEASURES IN ASIA

The Eighth Session of the Islamic Summit Conference (Session of Dignity, Dialogue, Participation), held in Tehran, Islamic Republic of Iran, from 9 to 11 Sha'aban, 1418H (9-11 December 1997),

Realizing that the present world is characterized by the absence of sharp political and ideological opposition of different systems;

Proceeding from understanding that the Muslim States as well as other countries of the world are interested in providing strong and permanent peace and stability as the most important condition for the progressive development of the world community on the way of economic and cultural progress;

Reaffirming the respect for principles of the United Nations Charter, international law and legitimacy as well as peaceful negotiations and constructive dialogue for achieving the desired goal that is the resolution of regional conflicts;

Proceeding from the necessity of the strict observance of the principle of the territorial integrity and the respect of the sovereignty of all countries and non-interference in their internal affairs;

Stressing the need for general and complete disarmament, particularly nuclear disarmament;

Greeting the initiatives on the questions of international and regional security proposed by the Islamic countries;

Recognizing the expediency of usage of the experience of the world community as a whole as well as some regional security structures;

Understanding that along with the establishment of a new mechanism of regional security it is necessary to take into consideration the specificity of the relations between the States in the Asian continent;

Underlining the need to respect the regional groups within the United Nations;

Condemning the persistence of the policies of hegemony, power politics, military diktat and use of force;

Underlining the irrelevance of the doctrine of nuclear deterrence in the post cold war era;

Taking into account that the initiative of calling the Conference for interaction and confidence-building measures has been supported by a significant number of Asian States, international organizations, including the United Nations and OIC, and has become an important factor of regional policy;

Stressing that among its participants are the countries representing all five continents of the world;

Taking into consideration that the process of the preparation of the Conference for interaction and confidence-building measures in Asia has acquired the stable character and that the Special Working Group has made significant work for drawing together the different approaches and elaboration of the formulas on the main security problems and this work has been highly appreciated by many Asian countries;

1. Welcomes the efforts of the Republic of Kazakhstan for promotion of the initiative of the Conference for interaction and confidence-building measures in Asia,

2. Considers that the initiative of the Republic of Kazakhstan for convening a Conference for interaction and confidence-building measures in Asia will contribute to the general process of providing the international security,

3. Calls upon Member States to express their support of the Kazakhstani initiative taking into consideration the possibility of resolution of many urgent problems of present-day world in its frame,

4. Recommends that the OIC Member States may join the process of promoting the confidence-building measures in the Asian continent, the interaction in the interests of all Islamic nations and States as well as taking part in the work of the Conference at all levels,

5. Requests the Secretary-General to follow-up the implementation of this resolution and to submit a report thereon to the next session of the Islamic Conference of Foreign Ministers and the next Islamic Summit.

CONFERENCE ON DISARMAMENT

CD/1483
20 January 1998

Original: ENGLISH

SOUTH AFRICA

Draft decision and mandate on the establishment of an ad hoc committee on nuclear disarmament

1. The Conference on Disarmament decides to establish an ad hoc committee on nuclear disarmament to deliberate upon practical steps for systematic and progressive efforts to eliminate nuclear weapons as well as to identify if and when one or more such steps should be the subject of negotiations in the Conference.

2. In discharging its function, the ad hoc committee will take into account existing proposals and views, as well as future initiatives on nuclear disarmament.

GE.98-60186

CONFERENCE ON DISARMAMENT

CD/1484
20 January 1998

Original: ENGLISH

Agenda for the 1998 session

(Adopted at the 779th plenary meeting on 20 January 1998)

Taking into account, inter alia, the relevant provisions of the Final Document of the First Special Session of the General Assembly devoted to disarmament, and pending the conclusion of its consultations on the review of its agenda, and without prejudice to their outcome, the Conference adopts the following agenda for its 1998 session:

1. Cessation of the nuclear arms race and nuclear disarmament.

2. Prevention of nuclear war, including all related matters.

3. Prevention of an arms race in outer space.

4. Effective international arrangements to assure non-nuclear-weapon States against the use of threat of use of nuclear weapons.

5. New types of weapons of mass destruction and new systems of such weapons; radiological weapons.

6. Comprehensive programme of disarmament.

7. Transparency in armaments.

8. Consideration and adoption of the annual report and any other report, as appropriate, to the General Assembly of the United Nations.

GE.98-60192

CD/1485

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CONFERENCE ON DISARMAMENT

CD/1485
21 January 1998

Original: ENGLISH

CANADA

WORKING PAPER WITH REGARD TO AN AD HOC COMMITTEE ON A FISSILE MATERIAL CUT-OFF TREATY

Canada considers that

- The core mandate from the CD Special Coordinator's report of 1995 is the only broadly acceptable basis for focused CD work.

- Developments since 1995 (e.g. NPT Extension; START Process; CTBT) have, however, suggested the value of reconsidering the context in which that core mandate was put forward.

- Canada's assessment is, accordingly, that the context or presentation of the core mandate could be redefined.

- One possible way to do so would be for a CD Presidential Statement to be made in the process of a CD decision to establish an Ad Hoc Committee on a FMCT with the core mandate.

- If this is seen as useful, a suggested draft of such a Statement is set out below; Canada consider that substantive components are self-explanatory.

DRAFT PRESIDENTIAL STATEMENT

On the basis of a consensus reached by all members of this Conference, I have been requested to register the following points. These points are critical to the agreement of this Conference to initiate negotiations on a "non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices" on the basis of the core mandate contained in CD/1299 of 24 March 1995. In the interest of brevity I wish to refer to such an agreement by the acronym FMCT (Fissile Material Cut-Off Treaty).

These points are:

1. it is agreed that an FMCT, if it is to be fully effective, must contribute to both nuclear disarmament and to nuclear non-proliferation objectives;

2. as such, and without prejudging the positions of states prior to the conclusion of the negotiations, it is recognized that the overall effectiveness and cost-benefit of an FMCT will be maximized by the participation and adherence of all nuclear-capable states;

3. it is agreed, however, that adherence to an FMCT is a prerogative of sovereign national governments and no steps will be taken in the negotiations to prejudge or require such adherence;

4. all members of the CD again acknowledge that it was recognized in CD/1299 that a variety of issues related to an FMCT have been raised by a number of delegations and these issues can be raised for consideration by the Ad Hoc Committee during the negotiations; should consensus be reached on one or more of those issues, provisions may be incorporated into the FMCT to deal appropriately with them; this, of course, does not preclude any delegation from raising any additional relevant issue as the negotiations progress; and,

5. it is recognized that many delegations consider stockpiles of fissile material resulting from production prior to the entry into force of an FMCT to be important to the future viability and effectiveness of an FMCT. While dealing with this matter is not included within the specific scope of the FMCT negotiations, states members of the CD, and most particularly the Nuclear-Weapons States members, which possess fissile material usable for nuclear weapons or other nuclear explosive devices and which material is no subject to IAEA safeguards, should pursue appropriate measures designed to reduce such stockpiles and/or to place declared excess material under IAEA safeguards. In particular transparency and other measures should be developed to ensure that such nuclear material including nuclear material from nuclear warheads destroyed under the START Process will never again be used in nuclear weapons. CD Member States, and the international community more broadly, will be kept informed of developments in this regard in the CD's Ad Hoc Committee on Nuclear Disarmament on the context of the FMCT negotiations.

As noted, these points are seen as critical by states members of this Conference to the agreement reached to establish an Ad Hoc Committee on an FMCT with the mandate to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. On this basis, I propose that the Ad Hoc Committee be hereby established and that it will report to the Conference on the progress of its work before the conclusion of the 1998 session.

If there is no objection to this understanding, I will conclude that the Conference is in full agreement."

CONFERENCE ON DISARMAMENT

CD/1486
21 January 1998

Original: ENGLISH

CANADA

WORKING PAPER CONCERNING CD ACTION ON NUCLEAR DISARMAMENT

Canada proposes that

- the CD establish an Ad Hoc Committee for the substantive discussion of nuclear disarmament issues with a view to identifying if and when one or more such issues might be negotiated multilaterally.

BACKGROUND

- Nuclear disarmament issues continues to be a primary and priority preoccupation of the global community.

- While the Nuclear Weapon States have particular responsibility on nuclear disarmament issues, and thus have specific contributions to make, other members of the international community have both stakes and interests with regard to these issues.

- The CD, as the multilateral negotiating mechanism on disarmament issues, should be appropriately and substantively engaged on nuclear disarmament issues.

- That being said, Canada does not consider that the CD should be mandated to negotiate nuclear weapon reduction per se or specific operational issues concerning such weapons.

- But the CD should respond to the broad multilateral desire to support, as appropriate, Nuclear Weapon States' efforts in the disarmament field; to be more aware of issues and developments; and, to express views on developments.

- More directly, the CD should and could be used to identify and explore issues which could be negotiated at an appropriate point by a multilateral mechanism.

- The CD has negotiated such an issue, i.e. the Comprehensive Nuclear Test Ban Treaty, in the recent past; Canada continues to consider that the CD could make a further contribution by the negotiation of a Fissile Material Cut-Off Treaty.

- Other issues appropriate for negotiation in the CD may well emerge in the future, not least of all as the result of substantive discussions on general nuclear disarmament issues and developments in that body.

- Canada's current suggestion along these lines was made last year as a part of the ideas proposed, inter alia, in CD/1456.

- While Canada considers that such an Ad Hoc Committee with such a mandate could and should be established now, this does not preclude the CD establishing another mechanism or process to fulfil such a mandate.

CONFERENCE ON DISARMAMENT

CD/1487
21 January 1998

Original: ENGLISH

CANADA

WORKING PAPER CONCERNING CD ACTION ON OUTER SPACE

Canada proposes that

- a CD Ad Hoc Committee on Outer Space be established with the mandate to negotiate a convention for the non-weaponization of outer space.

BACKGROUND

- There are a number of limited international agreements that deal with outer space, most notably "The Treaty on Principles Governing the Activities of States in the Exploration and use of Outer Space, Including the Moon and Other Celestial Bodies". This Treaty is commonly referred to as the "Outer Space Treaty".

- Under Article IV of the Outer Space Treaty, States Parties to the Treaty "undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any kinds of weapons of mass destruction ... or station such weapons in outer space in any other manner."

- There is no current multilateral agreement banning the deployment of weapons other than weapons of mass destruction in outer space.

- There is thus a need for the international community to address this problem, and to do so multilaterally, particularly in view of the growing number of states with the capacity or near-capacity to place objects into orbit.

- We acknowledge that there is currently no arms race in outer space. We accept the current military uses of outer space for surveillance, intelligence-gathering and communications. Our focus is on the non-weaponization of outer space, i.e. no positioning of actual weapons in outer space.

- On verification of such a Treaty many useful ideas already exist, including work done in earlier CD Ad Hoc Committees on Outer Space. We welcome a realistic and early reappraisal of these basic concepts.

- Canada has called for the establishment of a CD Ad Hoc Committee with the mandate given above. We recognize that there remains a variety of views on the possible scope of such a Treaty. As an interim step towards full negotiations, we support the appointment of a CD Special Coordinator with an appropriate mandate to explore prospects for the early establishment of an Ad Hoc Committee with a negotiating mandate.

CONFERENCE ON DISARMAMENT

CD/1488
22 January 1998

ENGLISH
Original: ENGLISH, FRENCH AND SPANISH

NOTE VERBALE DATED 21 JANUARY 1998 FROM THE PERMANENT MISSION OF MEXICO ADDRESSED TO THE SECRETARIAT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS, ADOPTED ON 13 NOVEMBER 1997 AT THE TWENTY-FOURTH SPECIAL SESSION OF THE GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES

The Permanent Mission of Mexico presents its compliments to the secretariat of the Conference on Disarmament and has the honour to request the distribution as an official document of the Conference on Disarmament of the attached text of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, adopted on 13 November 1997 at the twenty-fourth special session of the General Assembly of the Organization of American States.

GENERAL ASSEMBLY

AG

TWENTY-FOURTH SPECIAL SESSION
November 13, 1997
Washington, D.C.

OEA/Ser.P
AG/RES. 1 (XXIV-E/97)
13 November 1997
Original: Spanish

AG/RES. 1 (XXIV-E/97)

INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS

THE GENERAL ASSEMBLY,

HAVING SEEN the report of the Permanent Council on the draft Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials [AG/doc.6 (XXIV-E/97) rev. 1];

CONCERNED by the increase, at the international level, in the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, by the serious problems resulting therefrom, and by the links of such activities with drug trafficking, terrorism, transnational organized crime, and mercenary and other criminal activities;

AWARE of the urgent need to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials because of the harmful effects of these activities on the security of each state and the region as a whole, which jeopardize the well-being of peoples, their social and economic development, and their right to live in peace;

CONVINCED that combating the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials calls for international cooperation, exchange of information, and other appropriate measures at the national, regional, and international levels, and desiring to set a precedent for the international community in this regard;

STRESSING the urgent need for all states, especially those that produce, export, or import arms, to take the necessary measures to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials;

REAFFIRMING the principles of sovereignty, nonintervention, and the juridical equality of states;

BEARING IN MIND:

The decision of the heads of state and government, meeting at the Summit of the Americas in Miami in 1994, to strengthen efforts to control firearms, ammunition, and explosives so as to prevent their diversion to drug traffickers and criminal organizations;

The communiqué of the Tenth Summit of Heads of State and Government of the Mechanism for Political Consultation and Consensus (Rio Group), issued in Cochabamba, Bolivia, on September 4, 1996, at which they considered, on an initiative put forth by Mexico, the advisability of preparing a draft convention to combat the illicit manufacturing of and trafficking in weapons in the region;

The declaration on the collection of illicit arms held by civilians in Central America, adopted by the presidents of the countries of the Isthmus in January 1997, in which they decided to intensify their efforts to eliminate the illicit traffic in arms; and

Other statements by heads of state or government of the Hemisphere on this problem, particularly the Declaration of Principles of Bridgetown, signed on May 10, 1997, by the elected leaders of the Caribbean countries and the United States, in which they recognized that the conclusion of an international instrument establishing rights and obligations would be one of the effective tools for fighting illicit trafficking in weapons, ammunition, explosives, and other related materials and, to that end, decided to work toward the prompt adoption of an international agreement on this subject;

EXPRESSING ONCE AGAIN its gratitude to the member countries of the Mechanism for Political Consultation and Consensus (Rio Group) for submitting a draft inter-American convention against the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, prepared by experts who met twice in Cancún, Mexico;

BEARING IN MIND the pertinent resolutions of the United Nations General Assembly on measures to eradicate the illicit transfer of conventional weapons and on the need for all states to guarantee their security, as well as the efforts carried out in the framework of the Inter-American Drug Abuse Control Commission (CICAD); and

CONSIDERING:

That the General Assembly, in resolution AG/RES. 1445 (XXVII-O/97), instructed the Permanent Council, through its Working Group and with the participation of government experts, to intensify its efforts to conclude an Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials;

That in resolution AG/RES. 1445 (XXVII-O/97) the General Assembly also requested the Permanent Council to convene a special session of the General Assembly once the text of the Convention had been concluded, with the objective of adopting it and opening it for signature in 1997; and

That the Permanent Council, in resolution CP/RES. 711 (1141/97), convened the twenty-fourth special session of the General Assembly, as stipulated in operative paragraph 3 of resolution AG/RES. 1445 (XXVII-O/97), and scheduled it for November 13 and 14, 1997,

RESOLVES:

To adopt and open for signature the following:

INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS

THE STATES PARTIES,

AWARE of the urgent need to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, due to the harmful effects of these activities on the security of each state and the region as a whole, endangering the well-being of peoples, their social and economic development, and their right to live in peace;

CONCERNED by the increase, at the international level, in the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials and by the serious problems resulting therefrom;

REAFFIRMING that States Parties give priority to preventing, combating, and eradicating the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials because of the links of such activities with drug trafficking, terrorism, transnational organized crime, and mercenary and other criminal activities;

CONCERNED about the illicit manufacture of explosives from substances and articles that in and of themselves are not explosives--and that are not addressed by this Convention due to their other lawful uses--for activities related to drug trafficking, terrorism, transnational organized crime and mercenary and other criminal activities;

CONSIDERING the urgent need for all states, and especially those states that produce, export, and import arms, to take the necessary measures to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials;

CONVINCED that combating the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials calls for international cooperation, exchange of information, and other appropriate measures at the national, regional, and international levels, and desiring to set a precedent for the international community in this regard;

STRESSING the need, in peace processes and post-conflict situations, to achieve effective control of firearms, ammunition, explosives, and other related materials in order to prevent their entry into the illicit market;

MINDFUL of the pertinent resolutions of the United Nations General Assembly on measures to eradicate the illicit transfer of conventional weapons and on the need for all states to guarantee their security, and of the efforts carried out in the framework of the Inter-American Drug Abuse Control Commission (CICAD);

RECOGNIZING the importance of strengthening existing international law enforcement support mechanisms such as the International Weapons and Explosives Tracking System (IWETS) of the International Criminal Police Organization (INTERPOL), to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials;

RECOGNIZING that international trade in firearms is particularly vulnerable to abuses by criminal elements and that a "know-your-customer" policy for dealers in, and producers, exporters, and importers of, firearms, ammunition, explosives, and other related materials is crucial for combating this scourge;

RECOGNIZING that states have developed different cultural and historical uses for firearms, and that the purpose of enhancing international cooperation to eradicate illicit transnational trafficking in firearms is not intended to discourage or diminish lawful leisure or recreational activities such as travel or tourism for sport shooting, hunting, and other forms of lawful ownership and use recognized by the States Parties;

RECALLING that States Parties have their respective domestic laws and regulations in the areas of firearms, ammunition, explosives, and other related materials, and recognizing that this Convention does not commit States Parties to enact legislation or regulations pertaining to firearms ownership, possession, or trade of a wholly domestic character, and recognizing that States Parties will apply their respective laws and regulations in a manner consistent with this Convention;

REAFFIRMING the principles of sovereignty, nonintervention, and the juridical equality of states,

Have decided to adopt this Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials:

Article I: Definitions

For the purposes of this Convention, the following definitions shall apply:

1. "Illicit manufacturing": the manufacture or assembly of firearms, ammunition, explosives, and other related materials:

   a. from components or parts illicitly trafficked; or

   b. without a license from a competent governmental authority of the State Party where the manufacture or assembly takes place; or

   c. without marking the firearms that require marking at the time of manufacturing.

2. "Illicit trafficking": the import, export, acquisition, sale, delivery, movement, or transfer of firearms, ammunition, explosives, and other related materials from or across the territory of one State Party to that of another State Party, if any one of the States Parties concerned does not authorize it.

3. "Firearms":

a. any barreled weapon which will or is designed to or may be readily converted to expel a bullet or projectile by the action of an explosive, except antique firearms manufactured before the 20th Century or their replicas; or

b. any other weapon or destructive device such as any explosive, incendiary or gas bomb, grenade, rocket, rocket launcher, missile, missile system, or mine.

4. "Ammunition": the complete round or its components, including cartridge cases, primers, propellant powder, bullets, or projectiles that are used in any firearm.

5. "Explosives": any substance or article that is made, manufactured, or used to produce an explosion, detonation, or propulsive or pyrotechnic effect, except:

a. substances and articles that are not in and of themselves explosive; or

b. substances and articles listed in the Annex to this Convention.

6. "Other related materials": any component, part, or replacement part of a firearm, or an accessory which can be attached to a firearm.

7. "Controlled delivery": the technique of allowing illicit or suspect consignments of firearms, ammunition, explosives, and other related materials to pass out of, through, or into the territory of one or more states, with the knowledge and under the supervision of their competent authorities, with a view to identifying persons involved in the commission of offenses referred to in Article IV of this Convention.

Article II: Purpose

The purpose of this Convention is:

to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials;

to promote and facilitate cooperation and exchange of information and experience among States Parties to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

Article III: Sovereignty

1. States Parties shall carry out the obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of states and that of nonintervention in the domestic affairs of other states.

2. A State Party shall not undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved to the authorities of that other State Party by its domestic law.

Article IV: Legislative Measures

1. States Parties that have not yet done so shall adopt the necessary legislative or other measures to establish as criminal offenses under their domestic law the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

2. Subject to the respective constitutional principles and basic concepts of the legal systems of the States Parties, the criminal offenses established pursuant to the foregoing paragraph shall include participation in, association or conspiracy to commit, attempts to commit, and aiding, abetting, facilitating, and counseling the commission of said offenses.

Article V: Jurisdiction

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the offense in question is committed in its territory.

2. Each State Party may adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the offense is committed by one of its nationals or by a person who habitually resides in its territory.

3. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offenses it has established in accordance with this Convention when the alleged criminal is present in its territory and it does not extradite such person to another country on the ground of the nationality of the alleged criminal.

4. This Convention does not preclude the application of any other rule of criminal jurisdiction established by a State Party under its domestic law.

Article VI: Marking of Firearms

1. For the purposes of identification and tracing of the firearms referred to in Article I.3.a, States Parties shall:

   a. require, at the time of manufacture, appropriate markings of the name of manufacturer, place of manufacture, and serial number;

   b. require appropriate markings on imported firearms permitting the identification of the importer's name and address; and

   c. require appropriate markings on any firearms confiscated or forfeited pursuant to Article VII.1 that are retained for official use.

2. The firearms referred to in Article I.3.b should be marked appropriately at the time of manufacture, if possible.

Article VII: Confiscation or Forfeiture

1. States Parties undertake to confiscate or forfeit firearms, ammunition, explosives, and other related materials that have been illicitly manufactured or trafficked.

2. States Parties shall adopt the necessary measures to ensure that all firearms, ammunition, explosives, and other related materials seized, confiscated, or forfeited as the result of illicit manufacturing or trafficking do not fall into the hands of private individuals or businesses through auction, sale, or other disposal.

Article VIII: Security Measures

States Parties, in an effort to eliminate loss or diversion, undertake to adopt the necessary measures to ensure the security of firearms, ammunition, explosives, and other related materials imported into, exported from, or in transit through their respective territories.

Article IX: Export, Import, and Transit Licenses or Authorizations

1. States Parties shall establish or maintain an effective system of export, import, and international transit licenses or authorizations for transfers of firearms, ammunition, explosives, and other related materials.

2. States Parties shall not permit the transit of firearms, ammunition, explosives, and other related materials until the receiving State Party issues the corresponding license or authorization.

3. States Parties, before releasing shipments of firearms, ammunition, explosives, and other related materials for export, shall ensure that the importing and in-transit countries have issued the necessary licenses or authorizations.

4. The importing State Party shall inform the exporting State Party, upon request, of the receipt of dispatched shipments of firearms, ammunition, explosives, and other related materials.

Article X: Strengthening of Controls at Export Points

Each State Party shall adopt such measures as may be necessary to detect and prevent illicit trafficking in firearms, ammunition, explosives, and other related materials between its territory and that of other States Parties, by strengthening controls at export points.

Article XI: Recordkeeping

States Parties shall assure the maintenance for a reasonable time of the information necessary to trace and identify illicitly manufactured and illicitly trafficked firearms to enable them to comply with their obligations under Articles XIII and XVII.

Article XII: Confidentiality

Subject to the obligations imposed by their Constitutions or any international agreements, the States Parties shall guarantee the confidentiality of any information they receive, if requested to do so by the State Party providing the information. If for legal reasons such confidentiality cannot be maintained, the State Party that provided the information shall be notified prior to its disclosure.

Article XIII: Exchange of Information

1. States Parties shall exchange among themselves, in conformity with their respective domestic laws and applicable treaties, relevant information on matters such as:

a. authorized producers, dealers, importers, exporters, and, whenever possible, carriers of firearms, ammunition, explosives, and other related materials;

b. the means of concealment used in the illicit manufacturing of or trafficking in firearms, ammunition, explosives, and other related materials, and ways of detecting them;

c. routes customarily used by criminal organizations engaged in illicit trafficking in firearms, ammunition, explosives, and other related materials;

d. legislative experiences, practices, and measures to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials; and

e. techniques, practices, and legislation to combat money laundering related to illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

2. States Parties shall provide to and share with each other, as appropriate, relevant scientific and technological information useful to law enforcement, so as to enhance one another's ability to prevent, detect, and investigate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials and prosecute those involved therein.

3. States Parties shall cooperate in the tracing of firearms, ammunition, explosives, and other related materials which may have been illicitly manufactured or trafficked. Such cooperation shall include accurate and prompt responses to trace requests.

Article XIV: Cooperation

1. States Parties shall cooperate at the bilateral, regional, and international levels to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

2. States Parties shall identify a national body or a single point of contact to act as liaison among States Parties, as well as between them and the Consultative Committee established in Article XX, for purposes of cooperation and information exchange.

Article XV: Exchange of Experience and Training

1. States Parties shall cooperate in formulating programs for the exchange of experience and training among competent officials, and shall provide each other assistance that would facilitate their respective access to equipment or technology proven to be effective for the implementation of this Convention.

2. States Parties shall cooperate with each other and with competent international organizations, as appropriate, to ensure that there is adequate training of personnel in their territories to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials. The subject matters of such training shall include, *inter alia*:

a. identification and tracing of firearms, ammunition, explosives, and other related materials;

b. intelligence gathering, especially that which relates to identification of illicit manufacturers and traffickers, methods of shipment, and means of concealment of firearms, ammunition, explosives, and other related materials; and

c. improvement of the efficiency of personnel responsible for searching for and detecting, at conventional and nonconventional points of entry and exit, illicitly trafficked firearms, ammunition, explosives, and other related materials.

Article XVI: Technical Assistance

States Parties shall cooperate with each other and with relevant international organizations, as appropriate, so that States Parties that so request receive the technical assistance necessary to enhance their ability to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials, including technical assistance in those matters identified in Article XV.2.

Article XVII: Mutual Legal Assistance

1. States Parties shall afford one another the widest measure of mutual legal assistance, in conformity with their domestic law and applicable treaties, by promptly and accurately processing and responding to requests from authorities which, in accordance with their domestic law, have the power to investigate or prosecute the illicit activities described in this Convention, in order to obtain evidence and take other necessary action to facilitate procedures and steps involved in such investigations or prosecutions.

2. For purposes of mutual legal assistance under this article, each Party may designate a central authority or may rely upon such central authorities as are provided for in any relevant treaties or other agreements. The central authorities shall be responsible for making and receiving requests for mutual legal assistance under this article, and shall communicate directly with each other for the purposes of this article.

Article XVIII: Controlled Delivery

1. Should their domestic legal systems so permit, States Parties shall take the necessary measures, within their possibilities, to allow for the appropriate use of controlled delivery at the international level, on the basis of agreements or arrangements mutually consented to, with a view to identifying persons involved in the offenses referred to in Article IV and to taking legal action against them.

2. Decisions by States Parties to use controlled delivery shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.

3. With the consent of the States Parties concerned, illicit consignments under controlled delivery may be intercepted and allowed to continue with the firearms, ammunition, explosives, and other related materials intact or removed or replaced in whole or in part.

Article XIX: Extradition

1. This article shall apply to the offenses referred to in Article IV of this Convention.

2. Each of the offenses to which this article applies shall be deemed to be included as an extraditable offense in any extradition treaty in force between or among the States Parties. The States Parties undertake to include such offenses as extraditable offenses in every extradition treaty to be concluded between or among them.

3. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any offense to which this article applies.

4. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offenses to which this article applies as extraditable offenses between themselves.

5. Extradition shall be subject to the conditions provided for by the law of the Requested State or by applicable extradition treaties, including the grounds on which the Requested State may refuse extradition.

6. If extradition for an offense to which this article applies is refused solely on the basis of the nationality of the person sought, the Requested State Party shall submit the case to its competent authorities for the purpose of prosecution under the criteria, laws, and procedures applied by the Requested State to those offenses when they are committed in its own territory. The Requested and Requesting States Parties may, in accordance with their domestic laws, agree otherwise in relation to any prosecution referred to in this paragraph.

Article XX: Establishment and Functions of the Consultative Committee

1. In order to attain the objectives of this Convention, the States Parties shall establish a Consultative Committee responsible for:

a. promoting the exchange of information contemplated under this Convention;

b. facilitating the exchange of information on domestic legislation and administrative procedures of the States Parties;

c. encouraging cooperation between national liaison authorities to detect suspected illicit exports and imports of firearms, ammunition, explosives, and other related materials;

d. promoting training and exchange of knowledge and experience among States Parties and technical assistance between States Parties and relevant international organizations, as well as academic studies;

e. requesting from nonparty states, when appropriate, information on the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials; and

f. promoting measures to facilitate the application of this Convention.

2. Decisions of the Consultative Committee shall be recommendatory in nature.

3. The Consultative Committee shall maintain the confidentiality of any information it receives in the exercise of its functions, if requested to do so.

Article XXI: Structure and Meetings of the Consultative Committee

1. The Consultative Committee shall consist of one representative of each State Party.

2. The Consultative Committee shall hold one regular meeting each year and shall hold special meetings as necessary.

3. The first regular meeting of the Consultative Committee shall be held within 90 days following deposit of the 10th instrument of ratification of this Convention. This meeting shall be held at the headquarters of the General Secretariat of the Organization of American States, unless a State Party has offered to host it.

4. The meetings of the Consultative Committee shall be held at a place decided upon by the States Parties at the previous regular meeting. If no offer of a site has been made, the Consultative Committee shall meet at the headquarters of the General Secretariat of the Organization of American States.

5. The host State Party for each regular meeting shall serve as Secretariat *pro tempore* of the Consultative Committee until the next regular meeting. When a regular meeting is held at the headquarters of the General Secretariat of the Organization of American States, a State Party that will serve as Secretariat *pro tempore* shall be elected at that meeting.

6. In consultation with the States Parties, the Secretariat *pro tempore* shall be responsible for:

a. convening regular and special meetings of the Consultative Committee;

b. preparing a draft agenda for the meetings; and

c. preparing the draft reports and minutes of the meetings.

7. The Consultative Committee shall prepare its own internal rules of procedure and shall adopt them by absolute majority.

Article XXII: Signature

This Convention is open for signature by member states of the Organization of American States.

Article XXIII: Ratification

This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

Article XXIV: Reservations

States Parties may, at the time of adoption, signature, or ratification, make reservations to this Convention, provided that said reservations are not incompatible with the object and purposes of the Convention and that they concern one or more specific provisions thereof.

Article XXV: Entry into Force

This Convention shall enter into force on the 30th day following the date of deposit of the second instrument of ratification. For each state ratifying the Convention after the deposit of the second instrument of ratification, the Convention shall enter into force on the 30th day following deposit by such state of its instrument of ratification.

Article XXVI: Denunciation

1. This Convention shall remain in force indefinitely, but any State Party may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After six months from the date of deposit of the instrument of denunciation, the Convention shall no longer be in force for the denouncing State, but shall remain in force for the other States Parties.

2. The denunciation shall not affect any requests for information or assistance made during the time the Convention is in force for the denouncing State.

Article XXVII: Other Agreements and Practices

1. No provision in this Convention shall be construed as preventing the States Parties from engaging in mutual cooperation within the framework of other existing or future international, bilateral, or multilateral agreements, or of any other applicable arrangements or practices.

2. States Parties may adopt stricter measures than those provided for by this Convention if, in their opinion, such measures are desirable to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials.

Article XXVIII: Conference of States Parties

Five years after the entry into force of this Convention, the depository shall convene a conference of the States Parties to examine the functioning and application of this Convention. Each conference shall determine the date on which the next conference should be held.

Article XXIX: Dispute Settlement

Any dispute that may arise as to the application or interpretation of this Convention shall be resolved through diplomatic channels or, failing which, by any other means of peaceful settlement decided upon by the States Parties involved.

Article XXX: Deposit

The original instrument of this Convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall forward an authenticated copy of its text to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the United Nations Charter. The General Secretariat of the Organization of American States shall notify the member states of the Organization of the signatures, of the deposits of instruments of ratification and denunciation, and of any reservations.

ANNEX

The term "explosives" does not include: compressed gases; flammable liquids; explosive actuated devices, such as air bags and fire extinguishers; propellant actuated devices, such as nail gun cartridges; consumer fireworks suitable for use by the public and designed primarily to produce visible or audible effects by combustion, that contain pyrotechnic compositions and that do not project or disperse dangerous fragments such as metal, glass, or brittle plastic; toy plastic or paper caps for toy pistols; toy propellant devices consisting of small paper or composition tubes or containers containing a small charge or slow burning propellant powder designed so that they will neither burst nor produce external flame except through the nozzle on functioning; and smoke candles, smokepots, smoke grenades, smoke signals, signal flares, hand signal devices, and Very signal cartridges designed to produce visible effects for signal purposes containing smoke compositions and no bursting charges.